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Attorney for Defendant
THY CHANN

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THY CHANN,

Defendant.

No. 2:99-cr-00433-03 WBS

STIPULATION AND ORDER REGARDING
PREPARATION OF REVISED PSR,
BRIEFING SCHEDULE, AND
RESENTENCING OF DEFENDANT THY
CHANN

STIPULATION

1. During the resentencing hearing for defendant Thy Chann on August 1, 2023, the Court discussed whether it had the authority to resentence defendants John That Luong, Minh Huynh, and Keven Lattanaphom. (ECF 2028.)

2. After briefing, this Court issued an order on June 21, 2024 (ECF 2072) stating it determined it did not have that authority, and directed the parties to prepare a stipulation with proposed dates for resentencing, including preparation of a revised PSR and briefing, if appropriate.

3. In light of the new guidelines applicable to youthful offenders, as well as the fact that a complete copy of the prior report prepared for former counsel Shari Rusk by Dr. Jackman in 2004 is no longer available, defense counsel requested that this Court authorize funding for preparation of a new, updated report. That funding was authorized, and the appointed psychologist was scheduled to meet with Mr. Chann at the beginning of December. She did meet

1 with him, but determined that a second meeting was required. She is currently in the process of
2 finalizing the report.

3 4. Considering the timing of the preparation of the report, defense counsel has
4 consulted with Probation Office Julie Besabe regarding the schedule, including review of the
5 report the report being prepared, as well as this Court's Deputy Clerk, and based on those
6 consultations counsel suggests the following schedule:

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8 Judgment and Sentencing Date: May 27, 2025

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10 Reply, or Statement of Non-Opposition: May 20, 2025

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13 Formal Objections to the Presentence Report and Sentencing Position papers
14 shall be filed with the Court and served on the Probation Officer and opposing counsel no later than: May 13, 2025

15
16 The final Presentence Report shall be filed with the Court and disclosed to April 29, 2025
17 counsel no later than:

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19 Counsel's informal written objections to the Presentence Report shall be April 15, 2025
20 delivered to the Probation Officer and opposing counsel no later than:

21
22 The draft Presentence Report shall be disclosed to counsel no later than: April 8, 2025

23
24 The May 27, 2025 proposed sentencing date has been cleared by this Court's Courtroom
25 Deputy and the Parties. Accordingly, by this stipulation, the parties now move that:

- 1 A. The draft Presentence Report be disclosed to counsel no later than April 8, 2025;
- 2 B. Counsel's informal written objections to the Presentence Report be delivered to
- 3 the Probation Officer and opposing counsel no later than April 15, 2025;
- 4 C. The final Presentence Report shall be filed with the Court and disclosed to counsel
- 5 no later than April 29, 2025;
- 6 D. Formal objections and sentencing position papers by counsel shall be filed no later
- 7 than May 13, 2025;
- 8 E. Reply or statement of non-opposition and responses to the sentencing position
- 9 papers by opposing counsel shall be filed not later than May 20, 2025;
- 10 F. The matter will be set for resentencing on May 27, 2025 at 10:00 a.m.

11 IT IS SO STIPULATED

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14 Dated: February 12, 2025

/s/ Gail Ivens
GAIL IVENS
Attorney for Defendant
THY CHANN

17 MICHELE BECKWITH
18 Acting United States Attorney

19 DATED: February 12, 2025

/s/ Jason Hitt
JASON HITT
Assistant United States Attorney
Authorized to sign for government counsel on
February 12, 2025

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FINDINGS AND ORDER

Based upon the stipulation and representations of the parties, the Court adopts the proposed revised schedule as follows:

- A. The draft Presentence Report be disclosed to counsel no later than April 8, 2025;
- B. Counsel's informal written objections to the Presentence Report be delivered to the Probation Officer and opposing counsel no later than April 15, 2025;
- C. The final Presentence Report shall be filed with the Court and disclosed to counsel no later than April 29, 2025;
- D. Formal objections and sentencing position papers by counsel shall be filed no later than May 13, 2025;
- E. Reply or statement of non-opposition and responses to the sentencing position papers by opposing counsel shall be filed not later than May 20, 2025;
- F. The matter will be set for resentencing on **May 27, 2025 at 10:00 a.m.**

IT IS SO ORDERED.

Dated: February 12, 2025


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE